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EINBINDER AND DUNN, LLP  
Michael Einbinder  
104 W. 40<sup>th</sup> Street, 20<sup>th</sup> Floor  
New York, NY 10018  
Tel. No. (212) 391-9500

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

SPABO ICE CREAM CORP. d/b/a/  
MISTER SOTTEE and

MISTER SOTTEE, INC.

Plaintiffs,

v.

E. PIEDAD RIVERA d/b/a MISTER SOTTEE  
ET AL.

Defendants.

**CIVIL ACTION NO:  
1:07-CV-08628-PAC**

**NOTICE OF MOTION  
TO ADMIT COUNSEL  
PRO HAC VICE**

To: Defendants

**PLEASE TAKE NOTICE** that upon the annexed Affidavit of Michael Einbinder, the Affidavit of Paul J. Cianci and the exhibits thereto, the plaintiff will move this Court before the Honorable Paul A. Crotty, Judge, at the United States Courthouse, 500 Pearl Street, New York, New York for an order, pursuant to Rule 1.3 (c) of the Local Rules of the United States District Courts for the Southern District of New York, granting Paul J. Cianci leave to participate in the above captioned civil matter as legal counsel. The Affidavit of Michael Einbinder is annexed as Exhibit A. The Affidavit of Paul J. Cianci is attached as Exhibit B.

Dated: ~~December~~ January 2, ~~2007~~ 2008  
New York, New York

EINBINDER AND DUNN, LLP

By: 

Michael Einbinder (ME3930)  
104 W. 40<sup>th</sup> Street, 20<sup>th</sup> Floor  
New York, NY 10018  
Tel. No. (212) 391-9500

Attorneys for Plaintiff

EINBINDER AND DUNN, LLP

Michael Einbinder

104 W. 40<sup>th</sup> Street, 20<sup>th</sup> Floor

New York, NY 10018

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

SPABO ICE CREAM CORP. d/b/a/

MISTER SOFTEE, INC. and

MISTER SOFTEE, INC.

Plaintiffs,

E. PIEDAD RIVERA d/b/a MISTER SOFTEE

ET AL.

Defendants.

**CIVIL ACTION NO.  
1:07-CV-08628-PAC**

**AFFIDAVIT OF  
MICHAEL EINBINDER  
IN SUPPORT OF  
MOTION TO ADMIT  
COUNSEL  
PRO HAC VICE**

STATE OF NEW YORK )

COUNTY OF NEW YORK )

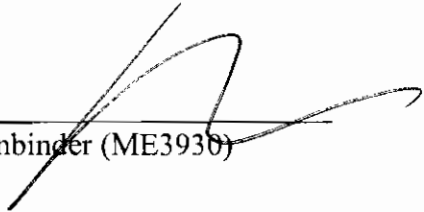
I, Michael Einbinder, being duly sworn, deposes and says:

1. I am an attorney admitted and in good standing to practice before this court and before the courts of the State of New York. I am a member of the firm Einbinder and Dunn, LLP, attorneys for the plaintiff. I make this affidavit in support of my motion, pursuant to Rule 1.3(c) of the General Rules of the United States District Courts for the Southern District of New York, for an Order granting Paul J. Cianci leave to participate in this civil matter as legal counsel to plaintiff.

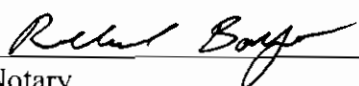
2. Mr. Cianci is a member in good standing of the bars of the Commonwealth of

Pennsylvania and the State of New Jersey.

3. There is a particular need for Mr. Cianci to participate in this action that this motion for an Order allowing Mr. Cianci to participate in this case be granted.

  
Michael Einbinder (ME3938)

Subscribed and sworn to before me  
this 2<sup>nd</sup> day of ~~December, 2007~~  
January, 2008

  
Notary

**Richard Bayer**  
Notary Public, State of New York  
No. 02BA6148582  
Qualified in Queens County  
Commission Expires June 26, 2010

EINBINDER AND DUNN, LLP  
Michael Einbinder  
104 W. 40<sup>th</sup> Street, 20<sup>th</sup> Floor  
New York, NY 10018

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

SPABO ICE CREAM CORP. d/b/a/  
MISTER SOTTEE, INC. and  
  
MISTER SOTTEE, INC.

Plaintiffs,

E. PIEDAD RIVERA d/b/a MISTER SOTTEE  
ET AL.

Defendants.

**CIVIL ACTION NO.  
1:07-CV-08628-PAC**

**AFFIDAVIT OF**  
**PAUL J. CIANCI**  
**IN SUPPORT OF**  
**MOTION TO ADMIT**  
**COUNSEL**  
**PRO HAC VICE**

COMMONWEALTH OF PENNSYLVANIA )  
 ) ss:  
COUNTY OF PHILADELPHIA )

I, Paul J. Cianci, being duly sworn, deposes and says:

1. I am an attorney with the law firm of Fisher Zucker LLC, 21 South 21<sup>st</sup> Street, Philadelphia, Pennsylvania.

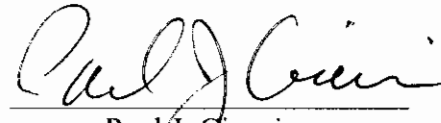
2. I have been instructed by Plaintiffs, Spabo Ice Cream Corp. d/b/a Mister Softee and Mister Softee, Inc., to become actively involved in the representation of the Plaintiffs in the above-entitled action before this court.

3. I am a member in good standing of the bars of the Commonwealth of Pennsylvania and State of New Jersey and have been licensed there since November and December

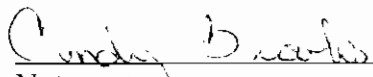
1998, respectively. Attached hereto and incorporated herewith are certificates of good standing issued within the last 30 days from the Supreme Courts of Pennsylvania and New Jersey.

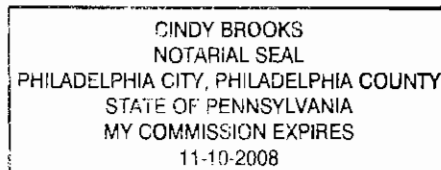
4. There are no disciplinary proceedings pending against me in any court or jurisdiction.

5. I have reviewed the Local Civil Rules of the United States District Court for the Southern District of New York and the individual practice rules of the Honorable Paul A. Crotty, and undertake to abide by them.

  
Paul J. Cianci

Subscribed and sworn to before  
me this 31 day of December, 2007.

  
Notary





Supreme Court of Pennsylvania

**CERTIFICATE OF GOOD STANDING**

***Paul Joseph Cianci, Esq.***

**DATE OF ADMISSION**

***November 30, 1998***

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



**Witness my hand and official seal**

**Dated: December 7, 2007**

A handwritten signature in black ink, consisting of a large 'J' and 'P'.

John W. Person, Jr., Esq.  
Deputy Prothonotary

# Supreme Court of New Jersey

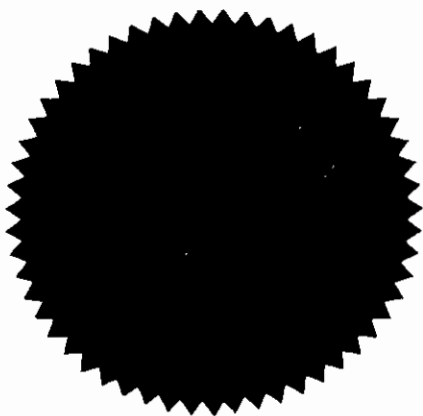


## Certificate of Good Standing

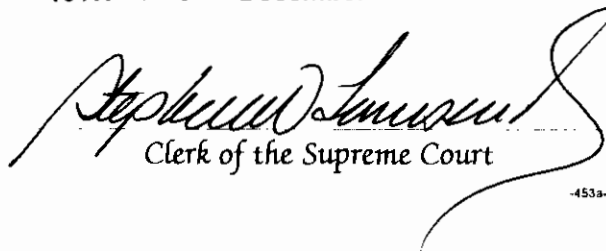
This is to certify that **PAUL J CIANCI**  
(No. **004351998** ) was constituted and appointed an Attorney at Law of New Jersey on **July 13, 1998** and, as such, has been admitted to practice before the Supreme Court and all other courts of this State as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing" if the Court's records reflect that the attorney: 1) is current with all assessments imposed as a part of the filing of the annual Attorney Registration Statement, including, but not limited to, all obligations to the New Jersey Lawyers' Fund for Client Protection; 2) is not suspended or disbarred from the practice of law; 3) has not resigned from the Bar of this State; and 4) has not been transferred to Disability Inactive status pursuant to Rule 1:20-12.

*Please note that this Certificate does not constitute confirmation of an attorney's satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to practice law in this State.*



In testimony whereof, I have  
hereunto set my hand and  
affixed the Seal of the  
Supreme Court, at Trenton, this  
10TH day of December, 20 07

  
Clerk of the Supreme Court



### CERTIFICATE OF SERVICE

I, Michael Einbinder, certify that I have this day served a true and correct copy of the below described pleading or motion upon defendants at the address listed below:

Pleading or Motion served: Notice of Motion to Admit Counsel Pro Hac Vice and Affidavits of Michael Einbinder and Paul J. Cianci

Defendants: E. PIEDAD RIVERA d/b/a MISTER SOFTEE  
427 Turner Ave., Apt. 1F  
Bronx, NY 10473

JORGE H. VERDUGO  
944 Phoenix Ave., 2<sup>nd</sup> Floor  
Peekskill, NY 10566

PARRA SUN, INC.  
1051 Hollywood Ave.  
Bronx, NY 10456

HAYDEE CORDON  
1805 Crotona Ave., 17D  
Bronx, NY 10474

CLAUDIA ZAPATA  
1201 Oak Point Ave.  
Bronx, NY 10474

RAMON A. PACHECO  
16 E. 177<sup>th</sup> St., Apt. 1E  
Bronx, NY 10453

Mode of Service: Via first class mail

Michael Einbinder

Date: ~~December 2, 2007~~ January 2, 2008

EINBINDER AND DUNN, LLP  
Michael Einbinder  
104 W. 40<sup>th</sup> Street, 20<sup>th</sup> Floor  
New York, NY 10018  
Tel. No. (212) 391-9500

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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MISTER SOTTEE and

MISTER SOTTEE, INC.

Plaintiffs,

v.

E. PIEDAD RIVERA d/b/a MISTER SOTTEE  
ET AL.

Defendants.

**CIVIL ACTION NO:  
1:07-CV-08628-PAC**

**ADMISSION TO  
PRACTICE  
PRO HAC VICE**

The motion for admission to practice pro hac vice in the above captioned matter is granted. The admitted attorney, Paul J. Cianci, is permitted to argue or try this particular case in whole or in part as counsel or advocate.

An attorney admitted pro hac vice is required to pay a \$25.00 attorney admission fee and present this Order to the intake deputy clerk in the Clerk's Office. When paying by mail, return a copy of this Order to the Clerk's Office with the required fee.

This Order confirms your appearance as counsel in this case, and it will be entered on the Court's docket. A notation of your admission pro hac vice for the above listed case will be made

on the roll of attorneys.

The attorney admitted pro hac vice must serve a copy of this Order on all other counsel in this case.

Dated: \_\_\_\_\_

\_\_\_\_\_  
PAUL A. CROTTY  
UNITED STATES DISTRICT JUDGE

cc: Pro Hac Vice Attorney  
Court File